



# **Kentucky Sex Crimes & Related Crimes**

Full texts of all Kentucky Revised Statutes (KRS) are available on line at <http://lrc.ky.gov/statrev/frontpg.htm>. For additional information about sexual victimization, visit [www.kasap.org](http://www.kasap.org) or call 502-226-2704.

<i>Sex Offenses</i>			
Crime	Elements	Classification	Penalty <sup>i</sup>



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<i>Sex Offenses</i>			
Crime	Elements	Classification	Penalty <sup>i</sup>
<b>Rape 1st Degree</b> KRS 510.040	<input type="checkbox"/> Sexual intercourse <sup>ii</sup> <b>and</b> <input type="checkbox"/> <i>Forcible compulsion</i> <sup>iii</sup> <b>OR</b>	Class B Felony <b>or</b> Class A Felony if V is less than 12, or receives a serious physical injury	Class B: 10-20 yrs
	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> Victim (V) is <i>incapable of consent</i> because (s)he <b>less than 12</b> <b>OR</b>		Class A: 20-50 yrs or life
	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>physical helpless</b> .		
<b>Rape 2nd Degree</b> KRS 510.050	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 14 and</b> <input type="checkbox"/> Perpetrator (P) is <i>18 or older</i> <b>OR</b>	Class C Felony	5-10 years
	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>mentally incapacitated</b> .		
<b>Rape 3rd Degree</b> KRS 510.060	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>mentally retarded</b> <b>OR</b>	Class D Felony	1-5 years
	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 16 and</b> <input type="checkbox"/> P is <i>21 or older</i> <b>OR</b>		
	<input type="checkbox"/> Sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .		
<b>Sodomy 1st Degree</b> KRS 510.070	<input type="checkbox"/> Deviate sexual intercourse <sup>iv</sup> <b>and</b> <input type="checkbox"/> <i>Forcible compulsion</i> <b>OR</b>	Class B Felony <b>or</b> Class A Felony if V is less than 12 or receives a serious physical injury	Class B: 10-20 yrs
	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>physical helpless</b> <b>OR</b>		Class A: 20-50 yrs or life
	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 12</b> .		
<b>Sodomy 2nd Degree</b> KRS 510.080	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 14 and</b> <input type="checkbox"/> P is <i>18 or older</i> <b>OR</b>	Class C Felony	10-20 years
	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>mentally incapacitated</b> .		
<b>Sodomy 3rd Degree</b> KRS 510.090	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>mentally retarded</b> <b>OR</b>	Class D Felony	1-5 years
	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 16 and</b> <input type="checkbox"/> P is <i>21 or older</i> <b>OR</b>		
	<input type="checkbox"/> Deviate sexual intercourse <b>and</b> <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .		
<b>Sexual Abuse 1st Degree</b> KRS 510.110	<input type="checkbox"/> Sexual contact <sup>v</sup> <b>and</b> <input type="checkbox"/> <i>Forcible compulsion</i> <b>OR</b>	Class D Felony	1-5 years
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>less than 12</b> <b>OR</b>		
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>physical helpless</b> <b>OR</b>		
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <b>mentally incapacitated</b> .		

Crime	Elements	Classification	Penalty
<b>Sexual Abuse 2nd Degree</b> KRS 510.120	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>less than 14</i> <b>OR</b>	Class A Misdemeanor <sup>vi</sup>	12 months
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>mentally retarded</i> <b>OR</b>		
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is an offender who is <i>incarcerated, supervised, evaluated, or treated</i> <input type="checkbox"/> P is an <i>employee/contractor/volunteer/contractor</i> of <i>Dept. of Corrections or a detention facility</i> <b>OR</b>		
	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> V is <i>less than 18</i> <b>and</b> <input type="checkbox"/> P is <i>21 or older</i> <b>and</b> <i>provides a foster family home for V.</i>		
<b>Sexual Abuse 3rd Degree</b> KRS 510.140	<input type="checkbox"/> Sexual contact <b>and</b> <input type="checkbox"/> <i>Without V's consent.</i>	Class B Misdemeanor <sup>vi</sup>	90 days
<b>Sexual Misconduct</b> KRS 510.140	<input type="checkbox"/> Sexual intercourse or deviate sexual intercourse <b>and</b> <input type="checkbox"/> <i>Without V's consent</i>	Class A Misdemeanor <sup>vi</sup>	12 months
<b>Indecent Exposure 1st Degree</b> KRS 510.148	<input type="checkbox"/> Intentional exposure of genitals <input type="checkbox"/> Under circumstances likely to cause affront or alarm <input type="checkbox"/> To a <i>person under the age of 18 years</i>	1 <sup>st</sup> offense - Class B Misd.	90 days
		2 <sup>nd</sup> w/in 3 yrs. – Class A Misd.	12 months
		3 <sup>rd</sup> & others – Class D Felony	1-5 years
<b>Indecent Exposure 2nd Degree</b> KRS 510.150	<input type="checkbox"/> Intentional exposure of genitals <b>and</b> <input type="checkbox"/> Under circumstances likely to cause affront or alarm <b>and</b> <input type="checkbox"/> To a <i>person 18 years of age or older</i>	Class B Misdemeanor	90 days
<b>Voyeurism</b> KRS 531.090	<input type="checkbox"/> Intentional use of the eye or any vision enhancing device..... <b>OR</b> <input type="checkbox"/> Intentional use or causing use of a camera, videotape, or other image recording device ..... <b>OR</b> <input type="checkbox"/> Intentionally entering or remaining unlawfully in or upon the premises of another person <b>and</b> <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent <b>and</b> <input type="checkbox"/> The other person is in a place where a reasonable person would believe the conduct or body parts would not be observed or videotaped without his or her knowledge.....	Class A Misdemeanor	12 months
<b>Video voyeurism</b> KRS 531.100	<input type="checkbox"/> Intentional use or causing use of a camera, videotape, or other image recording device <b>and</b> <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent <b>and</b> <input type="checkbox"/> Uses or divulges any image so obtained for consideration..... <b>OR</b> <input type="checkbox"/> Distributes any images so obtained by live or recorded visual medium, electronic mail, Internet, or commercial on-line service.	Class D Felony	1-5 years
<b>Sexual Exploitation of Minors</b>			
Crime	Elements	Classification	Penalty
<b>Incest</b> KRS 530.020	<input type="checkbox"/> Sexual intercourse or deviate sexual intercourse <b>and</b> <input type="checkbox"/> With an ancestor, descendant, brother, or sister <sup>vii</sup>	Class C Felony	10-20 years
<b>Unlawful transaction with a minor - 1st degree</b> KRS 530.020	<input type="checkbox"/> Knowingly induces, assists, or causes <b>and</b> <input type="checkbox"/> A minor to engage in illegal sexual activity, or in illegal controlled substance activity other than activity involving marijuana <input type="checkbox"/> Except those offenses involving minors in KRS 531 & 529.030	Class C Felony if minor < 18 Class B Felony if minor < 16 Class A Felony if minor is physically injured	5-10 years 10-20 years 20-50 years or life

Crime	Elements		Classification	Penalty
Use of minor in a sexual performance KRS 531.310	<div><input type="checkbox"/> Employs, consents to, authorizes, or induces <b>and</b></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/> A minor to engage in a sexual performance</div>		Class C Felony if minor < 18 Class B Felony if minor < 16 Class A Felony if minor is physically injured	5-10 years  10-20 years 20-50 years or life
Promoting a sexual performance by a minor KRS 531.320		Class A - C Felony (depending on age of V & physical injury)		5-50 years or life
Possession of matter portraying a sexual performance by a minor KRS 531.335		Class A misdemeanor (1 <sup>st</sup> ) Class D Felony (subsequent)		12 months 1-5 years
Distribution of matter portraying a sexual performance by a minor KRS 531.340		Class D Felony		1-5 years
Promoting sale of material portraying sexual performance by a minor KRS 531.350		Class A misdemeanor (1 <sup>st</sup> ) Class D Felony (2 <sup>nd</sup> ) Class C Felony (subsequent)		12 months 1-5 years 10-20 years
Advertising material portraying a sexual performance by a minor KRS 531.360		Class A misdemeanor		12 months
Other Related Crimes				
Crime	Mental State	Elements	Classification	Penalty
Stalking First Degree KRS 508.140	Intentional	<div><input type="checkbox"/> All elements of Second Degree Stalking <b>and</b></div> <div><input type="checkbox"/> Has received notice of protective order against him concerning same victim.....<b>OR</b></div> <div><input type="checkbox"/> Has received notice of criminal complaint against him concerning same victim ....<b>OR</b></div> <div><input type="checkbox"/> Has been convicted of a Felony or Class A misdemeanor concerning same victim..<b>OR</b></div> <div><input type="checkbox"/> Has committed stalking with a deadly weapon</div>	Class D Felony	1-5 years
Stalking Second Degree KRS 508.150	Intentional	<div><input type="checkbox"/> At least 2 acts <b>and</b></div> <div><input type="checkbox"/> Acts directed at a specific victim <b>and</b></div> <div><input type="checkbox"/> Acts seriously alarm, annoy or intimidate the victim <b>and</b></div> <div><input type="checkbox"/> Acts must be something which would cause a reasonable person to suffer substantial mental distress <b>and</b></div> <div><input type="checkbox"/> Threat which causes victim to fear sexual contact, death or physical injury<sup>viii</sup></div>	Class A Misdemeanor	12 months
Harassment KRS 525.070	Intentional	<div><input type="checkbox"/> With intent to harass, annoy, or alarm another person <b>and</b></div> <div><input type="checkbox"/> Strikes, shoves, kicks, or otherwise subjects a person to physical contact</div>	Class B Misdemeanor	90 days
	Intentional	<div><input type="checkbox"/> With intent to harass, annoy, or alarm another person <b>and</b></div> <div><input type="checkbox"/> Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact.....<b>OR</b></div> <div><input type="checkbox"/> In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present.....<b>OR</b></div> <div><input type="checkbox"/> Follows a person in or about a public place or places.....<b>OR</b></div> <div><input type="checkbox"/> Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy another person and serve no legitimate purpose</div>	Violation	Fine only

<b>Crime</b>	<b>Mental State</b>	<b>Elements</b>	<b>Classification</b>	<b>Penalty</b>
<b>Harassing Communications</b> KRS 525.080	Intentional	<input type="checkbox"/> With intent to harass, annoy or alarm another person <b>and</b> <input type="checkbox"/> Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication..... <b>OR</b> <input type="checkbox"/> Makes a telephone call, where or not conversation ensues, with no purpose of legitimate communication	Class B Misdemeanor	90 days
<b>Menacing</b> KRS 508.050	Intentional	<input type="checkbox"/> Intentionally places another person in reasonable apprehension of imminent physical injury	Class B Misdemeanor	90 days
<b>Terroristic Threatening</b> KRS 508.080	Intentional	<input type="checkbox"/> Threat to seriously physically injure <sup>ix</sup> or kill another	Class A Misdemeanor	12 months
<b>Unlawful Imprisonment – 1<sup>st</sup> Degree</b> KRS 509.020	Knowing	<input type="checkbox"/> Knowingly and unlawfully restrains another person under circumstances which expose that person to a risk of serious physical injury	Class D Felony	1-5 years
<b>Unlawful Imprisonment – 2nd Degree</b> KRS 509.040	Knowing	<input type="checkbox"/> Knowingly and unlawfully restrains another person	Class A Misdemeanor	12 months
<b>Kidnapping</b>	Intentional	<input type="checkbox"/> Unlawfully restrains another person with the intent to <input type="checkbox"/> Hold the person for ransom or reward... <b>OR</b> <input type="checkbox"/> Accomplish or advance the commission of a felony <input type="checkbox"/> Inflict bodily injury or to terrorize the victim or another <input type="checkbox"/> To interfere with the performance of a governmental or political function <input type="checkbox"/> To use the person as a shield or hostage <input type="checkbox"/> To deprive the parents or guardian of custody of a minor, when the person taking the minor is not a person exercising custodial control or supervision	Capitol offense if victim is not released alive or consequently dies after release  Class A felony if victim is released alive, but suffered serious physical injury  Class B Felony if victim is released alive and is safe	
<b>Assault First Degree</b> KRS 508.020	Intentional	<input type="checkbox"/> Serious physical injury <b>and</b> <input type="checkbox"/> Deadly weapon or dangerous instrument	Class B Felony	10-20 years
	Wanton	<input type="checkbox"/> Serious physical injury and <input type="checkbox"/> Conduct which causes grave risk of death to another	Class B Felony	10-20 years
<b>Assault Second Degree</b> KRS 508.020	Intentional	<input type="checkbox"/> Serious physical injury	Class C Felony	5-10 years
	Intentional	<input type="checkbox"/> Physical injury <b>and</b> <input type="checkbox"/> Deadly weapon or dangerous instrument	Class C Felony	5-10 years
	Wanton	<input type="checkbox"/> Serious physical injury and <input type="checkbox"/> Deadly weapon or dangerous instrument	Class C Felony	5-10 years

<b>Crime</b>	<b>Elements</b>	<b>Classification</b>	<b>Penalty</b>	<b>Crime</b>
<b>Assault Third Degree</b> KRS 508.030	Reckless	<input type="checkbox"/> Dangerous instrument or deadly weapon <b>and</b> <input type="checkbox"/> Physical injury or attempt to physically injure <b>and</b> <input type="checkbox"/> Peace officer <b>or</b> employee of detention center <b>or</b> residential treatment facility <b>or</b> DSS worker who is performing job <b>or</b> probation or parole officers	Class D Felony	1-5 years
	Intentional	<input type="checkbox"/> Physical injury or attempt to physically injure <b>and</b> <input type="checkbox"/> Peace officer or employee of detention center or residential treatment facility or DSS worker who is performing job or probation or parole officers	Class D Felony	1-5 years
<b>Assault Fourth Degree</b> KRS 508.030	Intentional <b>or</b> Wanton	<input type="checkbox"/> Physical injury	Class A Misdemeanor	12 Months
	Reckless	<input type="checkbox"/> Physical injury <b>and</b> <input type="checkbox"/> Deadly weapon or dangerous instrument	Class A Misdemeanor	12 Months
<b>Assault of Family Member or Member of an Unmarried Couple</b> KRS 508.032		<input type="checkbox"/> Same as Assault Fourth Degree <b>and</b> <input type="checkbox"/> Third or subsequent Assault IV within 5 years against a family member of member of an unmarried couple	Class D Felony but jury/judge may convict of misdemeanor	1-5 years or 12 months
<b>Criminal Abuse First Degree</b> KRS 508.100	Intentional	<input type="checkbox"/> Abuses another person or permits the abuse of another person of whom he has actual custody <b>and</b> <input type="checkbox"/> Serious physical injury <b>or</b> places victim in a situation that may cause him serious physical injury <b>or</b> causes torture, cruel confinement, or cruel punishment to a child less than 12 years old <b>or</b> one who is physically helpless	Class C Felony	5-10 years
<b>Criminal Abuse Second Degree</b> KRS 508.110	Wanton	<input type="checkbox"/> Abuses another person or permits the abuse of another person of whom he has actual custody <b>and</b> <input type="checkbox"/> Serious physical injury <b>or</b> places victim in a situation that may cause him serious physical injury <b>or</b> causes torture, cruel confinement, or cruel punishment to a child less than 12 years old <b>or</b> one who is physically helpless	Class D Felony	1-5 years
<b>Criminal Abuse Third Degree</b> KRS 508.120	Reckless	<input type="checkbox"/> Abuses another person <b>or</b> permits the abuse of another person of whom he has actual custody <b>and</b> <input type="checkbox"/> Serious physical injury <b>or</b> places victim in a situation that may cause him serious physical injury <b>or</b> causes torture, cruel confinement, or cruel punishment to a child less than 12 years old <b>or</b> one who is physically helpless or mentally helpless	Class A Misdemeanor	12 months
<b>Complicity</b> KRS 502.020	Intentional	<input type="checkbox"/> A person is guilty of an offense committed by another person when with the intention of promoting or facilitating the commission of the offense <b>and</b> <input type="checkbox"/> Solicits, commands, or engages in a conspiracy with such other person to commit the offense; <b>or</b> <input type="checkbox"/> Aids, counsels, or attempts to aid such person in planning or committing the offense; <b>or</b> <input type="checkbox"/> Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.	Same Classification and penalty as crime committed	

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- <sup>i</sup> Penalties listed for misdemeanor offenses indicate maximum penalty.
  - <sup>ii</sup> “Sexual intercourse” includes both sexual intercourse in its ordinary sense, and penetration of the sex organs by a foreign object. Sexual intercourse occurs upon any penetration, however slight. KRS 510.010 (8).
  - <sup>iii</sup> “Forcible compulsion” means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of immediate kidnap or self or another person, or fear of rape, sodomy, sexual abuse, or indecent exposure. Physical resistance is not necessary. KRS 510.010 (2).
  - <sup>iv</sup> “Deviate sexual intercourse” includes both any act of sexual gratification involving the sex organs of one person and the mouth or anus of another, and penetration of the anus of one person by a foreign object manipulated by another. KRS 510.010 (1)
  - <sup>v</sup> “Sexual contact” means any touching of the sexual or other intimate parts of a person done for the purposes of gratifying the sexual desire or either party. KRS 510.010(7).
  - <sup>vi</sup> 3rd or subsequent misdemeanor offenses under KRS Chapter 510 (except indecent exposure) may be convicted of a Class D Felony. KRS 510.015.
  - <sup>vii</sup> Relationships referred to include blood relationships, relation by adoption, and relationship of stepparent to stepchild.
  - <sup>viii</sup> “Physical injury” means substantial physical pain or any impairment of physical condition;
  - <sup>ix</sup> “Serious physical injury” mean “physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.” KRS 500.080